

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CODY C. EDRINGTON,

Plaintiff,

v.

RYDER GLOBAL SERVICES, LLC,
a/k/a RYDER INTEGRATED
LOGISTICS, INC.,

Defendant,

v.

QUENTIN D. CAMPBELL,

Defendant.

Case No. _____

**DEFENDANT RYDER'S ANSWER TO
COMPLAINT**

Defendant, Ryder Truck Rental Inc., by and through its undersigned counsel, in answer to the allegations contained in the Plaintiff's Complaint, admits, denies, and alleges as follows:

1. Lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff's Complaint.
2. Admits the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. Admits the allegations contained in paragraph 3 of Plaintiff's Complaint.
4. Admits the allegation contained in paragraph 4 of Plaintiff's Complaint that the Court has jurisdiction over Defendants, denies the remainder of the allegations in paragraph 4.
5. Admits the allegations contained in paragraph 5 of Plaintiff's Complaint.
6. Denies the allegations contained in paragraph 6 of Plaintiff's Complaint.
7. Lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint and therefore denies the allegation.
8. Denies the allegations contained in paragraph 8 of Plaintiff's Complaint.
9. Deny the allegations contained in paragraph 9 of Plaintiff's Complaint.
10. Denies the allegations contained in paragraph 10 of Plaintiff's Complaint.
11. Denies the allegations contained in paragraph 8 of Plaintiff's Complaint.

12. Lacks sufficient information or knowledge to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiff's Complaint

Affirmative Defenses

13. Specifically alleges that the correct name of the Defendant to file suit over is as follows: "Ryder Truck Rental Inc.".

14. Specifically alleges that if the Plaintiff sustained any damages, the same being specifically denied, that he failed to mitigate such damages.

15. Specifically alleges that the Plaintiff's injuries were not caused by any negligent act or omission of this Defendant.

16. Specifically alleges that Defendant Ryder has no duty nor liability to the Plaintiff in this case, as Defendant Campbell was at the time of the alleged incident an employee of Orly Industry, Inc., a New Jersey corporation, not Defendant Ryder, and was driving a truck leased from Defendant Ryder to Orly.

17. Specifically alleges that the proximate cause of the injuries and damages allegedly sustained by the Plaintiff, if any, was due to the negligence of the Plaintiff in one or more of the following particulars:

- a. In failing to keep a proper lookout for his own safety;
- b. In failing to adhere to the warning signs posted regarding the conditions then and there existing; and
- c. In failing to pay attention or allowing himself to become distracted as to where he was walking;

and such negligence was at least as great as that of the Defendant Ryder, the same being specifically denied, thereby barring the Plaintiff from any recovery against Ryder. In the event that the negligence of the Plaintiff is not determined to be as great as that in comparison to this Defendant, the Plaintiff's recovery should be diminished in proportion to the amount of the Plaintiff's negligence.

18. Specifically allege any other affirmative defenses as discovery and the evidence adduced at trial may hereafter set forth.

19. Defendant specifically alleges any other affirmative defense of *res judicata*, collateral estoppel, unjust enrichment, and unclean hands, and such other affirmative defense as discovery and the evidence adduced at trial may hereafter set forth.

DEFENDANT REQUESTS PLACE OF TRIAL IN NORTH PLATTE, NEBRASKA

Defendant requests place of trial in North Platte, Nebraska.

DATED February 4th, 2021.

RYDER TRUCK RENTAL INC.,
Defendant

BY: /s/ Terrance O. Waite
Terrance O. Waite, #15497
FOR: WAITE & McWHA
116 N. Dewey – P.O. Box 38
North Platte, NE 69103
(308) 532-2202
twaite@northplattelaw.com
Attorney for the Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of February, 2021, a true and correct copy of the foregoing was served by email and regular US Mail, postage prepaid, upon the following:

Stephanie Flynn
Stephanie Flynn Law Office, P.C., L.L.O.
610 J Street, Suite 320
Lincoln, NE 68508
(402) 325-8469
sflynn@stephanieflynnlaw.com
Attorney for Plaintiff

Quentin D. Campbell
270 Muhammad Ali Ave.
Newark, NJ 07108
Defendant

/s/ Terrance O. Waite
Attorney for Defendant

